# Islamic Revivalism:
# Dynamics of Islamic Parties in Legalizing Islamic Law Policies in Indonesia and Malaysia

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## Abstract

This study aims to fill the gap and explore how Islamic parties have attempted to legalize Islamic law in both countries over the past three decades. Most scholarly works on Islamic revivalism in Indonesia and Malaysia focus on it as a sociocultural phenomenon. However, there is a lack of scholarship investigating Islamic revivalism through a political approach. This article employs qualitative research methodology, drawing on academic books, journal articles, reports, and online news to examine the efforts of Islamic parties to legalize Islamic law in Indonesia and Malaysia. The findings suggest that the accessibility of political channels significantly influences these efforts. During the Mahathir era in Malaysia, the availability of political channels facilitated the goal of legalizing Islamic law. Conversely, the agenda for legalizing Islamic law was hindered in Indonesia during the Soeharto era due to limited political channels. Additionally, the moderation of Islamic parties affects the agenda for legalizing Islamic law in both countries. In post-Soeharto Indonesia, the incorporation of moderation by Islamic parties has led to a decrease in prioritizing the agenda of legalizing Islamic law. On the other hand, in Malaysia during and after the Mahathir era, the persistence of the obsession

with legalizing Islamic law was due to Islamic parties distancing themselves from moderate positions.

**Keywords:** Islamic revivalism; Islamic law; Indonesia; Malaysia

## Introduction

The phenomenon of the increasing Islamisation of private and public life is often identified as one of the indicators of the survival of Islamic revivalism.[1] Islamic revivalism is essentially a desire to revive the fundamental tenets of the Islamic faith. Islamic revivalism itself can turn into a wave of Islamisation that encompasses various aspects of life, including economic, social, cultural and even political aspects.[2] In the political context, the symptoms of Islamic revivalism can be captured by the efforts of Islamic groups to legalise Islamic law into a public policy product.[3] In Indonesia, the best period to observe the political process of legalising Islamic Sharia through Islamic parties can be seen in the Soeharto era (1966-1998).[4] During the Suharto era, efforts to legalise the law were indeed slow and tortuous. In contrast to Indonesia, the best period to observe the political process of legalising Islamic law in Malaysia is the era of the Mahathir government (1981-2003). In fact, during the Mahathir era, the legalisation of Islamic law by Islamic parties took place gradually and without significant political obstacles.[5] Although Islamic revivalism is widely discussed, less attention has been paid by scholars to framing Islamic revivalism as a religious-political phenomenon.

Current studies on Islamic revivalism in Indonesia tend to view it as a sociocultural phenomenon. This phenomenon refers to the spread of Islamic symbols and identities in the public sphere, which are primarily apolitical in

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[1] Jan A. Ali, "Contemporary Islamic Revivalism," *American Journal of Islam and Society* 29, no. 1 (2012): 60–97, https://doi.org/10.35632/ajis.v29i1.328.

[2] Jan A. Ali, "Introduction to Special Issue: Islamic Revivalism and Social Transformation in the Modern World," *Religions* 14, no. 7 (July 12, 2023): 899, https://doi.org/10.3390/rel14070899.

[3] Bob Olivier, *Islamic Revivalism and Politics in Malaysia*, *Critical Studies of the Asia-Pacific*, Critical Studies of the Asia-Pacific (Singapore: Springer Singapore, 2020), https://doi.org/10.1007/978-981-15-0882-0; Md Nazrul Islam and Md Saidul Islam, "Politics and Islamic Revivalism in Bangladesh: The Role of the State and Non-State/Non-Political Actors," *Politics, Religion & Ideology* 19, no. 3 (July 3, 2018): 326–53, https://doi.org/10.1080/21567689.2018.1493382.

[4] Abdul Aziz Thaba, *Islam Dan Negara Dalam Politik Orde Baru* (Jakarta: Gema Insani Pers, 1996).

[5] Farid Sufian Shuaib, "The Islamic Legal System in Malaysia," *Pacific Rim Law & Policy Journal* 21, no. 1 (2021); Sia Chin Chin and Suzanna Abdul Hadi, "Researching Islamic Law: Malaysian Sources," nyulawglobal.org, 2009, https://www.nyulawglobal.org/globalex/Researching_Islamic_Law_Malaysian_Sources1.html.

nature.[6] The motivation behind the spread of these symbols and identities is influenced by various intersecting factors. In the global context, Islamic revivalism is often seen as a response to the failure of Western modernity to uphold traditional Islamic values. It is believed that this failure has led to problems such as poverty, inequality, injustice, and corruption in the Muslim world. Therefore, a solution to these issues is to return to the pure teachings of Islam.[7] In the Indonesian context, the study of Islamic revivalism with a sociocultural approach became dominant because the New Order government regime limited the development of political Islam at that time. As a result, the Islamic expressions that coloured public life were more sociocultural or cultural Islam than political Islam.[8]

Several studies of Islamic revivalism in Indonesia have been conducted with a sociocultural approach. Tamara (1986)[9], Fauzi (1995)[10], Hefner (2000)[11], Diederich (2002)[12], Burhani (2019)[13], and Rahman (2022)[14] have all contributed to this field of research. Studies of Islamic revivalism using this approach typically focus on the efforts of non-political da'wah organizations, such as the Indonesian Islamic Da'wah Council (DDII), Campus Da'wah Institutions (LDK), the Indonesian Muslim Scholars Association (ICMI), and even Ahmadiyah, to mainstream Islam in social, economic, and educational life. While studying the aforementioned approaches, it is important to acknowledge the existence of studies on Islamic revivalism in Indonesia with a political

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[6] LL Saefudin Zuhri, "Dinamika Islam Politik Dan Islam Kultural Di Indonesia," *Jurnal Indo-Islamika* 8, no. 1 (September 29, 2020): 51–66, https://doi.org/10.15408/idi.v8i1.17541.

[7] Ali, "Contemporary Islamic Revivalism."

[8] Yudi Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20* (Bandung: Mizan, 2005).

[9] N Tamara, *Indonesia in the Wake of Islam, 1965-1985* (Kuala Lumpur: Institute of Strategic and International Studies, 1986).

[10] Nasrullah Ali Fauzi, *ICMI: Antara Status Quo Dan Demokratisasi* (Bandung: Mizan, 1995).

[11] Robert W Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (New Jersey: Pricenton University Press, 2000).

[12] Mathias Diederich, "A Closer Look at Dakwah and Politics in Indonesia: The Partai Keadilan," *Archipel* 64 (2002): 101–5.

[13] Ahmad Najib Burhani, "Ahmadiyah and Islamic Revivalism in Twentieth-Century Java, Indonesia: A Neglected Contribution," in *Alternative Voices in Muslim Southeast Asia*, ed. Norshahril Saat and Azhar Ibrahim (Singapore: ISEAS Publishing, 2019), 199–220, https://doi.org/10.1355/9789814843812-014.

[14] Bambang Arif Rahman, "Islamic Revival and Cultural Diversity; Pesantren's Configuration in Contemporary Aceh, Indonesia," *Indonesian Journal of Islam and Muslim Societies* 12, no. 1 (June 4, 2022): 201–29, https://doi.org/10.18326/ijims.v12i1.201-229.

approach. For instance, Diederich (2002)[15] and Machmudi (2008)[16] conducted research on the dynamics of the Justice Party (PK) or the Prosperous Justice Party (PKS), while Minardi (2018)[17] studied the development of Hizbut Tahrir Indonesia (HTI). However, research on Islamic revivalism that examines the political resurgence of Islam by analysing the efforts of Islamic parties to legalise Islamic law is still relatively limited.

In contrast to Indonesia, the study of Islamic revivalism in Malaysia has a wider scope. The phenomenon of Islamic revivalism is viewed not only as a sociocultural but also as a political phenomenon. This is because political Islam in Malaysia has been granted significant political leeway by the ruling regime from an early stage.[18] However, there is still a relative lack of research on Islamic revivalism that specifically examines the efforts of Islamic parties to legalise Islamic law. Several studies have examined Islamic revivalism in Malaysia as a sociocultural phenomenon. Anwar's (1987)[19], Shamsul's (1997)[20], and Hamid's (2002)[21] studies are among them. These studies typically focus on the role of non-political Islamic da'wah organisations, such as Jamaah Tabligh and Darul Arqam (DA), in the Islamisation of Malaysian society. Furthermore, Bakar (1981)[22], Sundaram and Cheek (1988)[23], Muthalib (1998)[24], and Olivier (2020)[25] have conducted studies on Islamic revivalism with a political approach. These studies typically examine the dynamics of political dakwah organisations, such as

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[15] Diederich, "A Closer Look at Dakwah and Politics in Indonesia: The Partai Keadilan."

[16] Yon Machmudi, *Islamising Indonesian: The Rise of Jemaah Tarbiyah and the Prosperous Justice Party (PKS)*, *ANU E Press* (ANU Press, 2008), https://doi.org/10.26530/OAPEN_459299.

[17] Anton Minardi, "The New Islamic Revivalism in Indonesia: Accommodationist and Confrontationist," *Journal of Indonesian Islam* 12, no. 2 (December 1, 2018): 247, https://doi.org/10.15642/JIIS.2018.12.2.247-264.

[18] Timothy P Daniels, *Living Sharia: Law and Practice in Malaysia* (Seattle and London: University of Washington Press, 2017).

[19] Zainah Anwar, *Islamic Revivalism in Malaysia: Dakwah Among Students* (Petaling Jaya: Pelanduk Publication, 1987).

[20] A.B Shamsul, "Identity Construction, Nation Formation, and Islamic Revivalism in Malaysia," in *Islam in an Era of Nation-States: Politics and Religious Renewal in Muslim Southeast Asia*, ed. Robert W Hefner and Patricia Horvatich (Honolulu: University of Hawaii Press, 1997).

[21] Ahmad Fauzi Abdul Hamid, "The Formative Years of the Dakwah Movement," *IKIM Journal* 10, no. 2 (2002).

[22] Mohamad Abu Bakar, "Islamic Revivalism and the Political Process in Malaysia," *Asian Survey* 21, no. 10 (October 1, 1981): 1040–59, https://doi.org/10.2307/2643973.

[23] Jomo Kwame Sundaram and Ahmed Shabery Cheek, "The Politics of Malaysia's Islamic Resurgence," *Third World Quarterly* 10, no. 2 (April 15, 1988): 843–68, https://doi.org/10.1080/01436598808420085.

[24] Hussin Mutalib, *Islam in Malaysia: From Revivalism to Islamic State* (Singapore: Singapore University Press, 1998).

[25] Olivier, *Islamic Revivalism and Politics in Malaysia*.

the United Malay National Organization (UMNO), the Islamic Party of Malaysia (PAS), and Angkatan Belia Islam Malaysia (ABIM).

The aim of this paper is to address the gap in the study of Islamic revivalism, which lacks a political approach. Specifically, this paper aims to examine the efforts of Islamic parties to legalise Islamic law in Indonesia and Malaysia over the last three decades. To achieve this, three questions will be addressed. Firstly, what are the historical roots of Islamic revivalism movements in these two countries? Secondly, how does the availability of political channels impact the efforts of Islamic parties to legalise Islamic law? Thirdly, how does the moderation of Islamic parties affect the development of the legalisation of Islamic law in both countries?.

In accordance with the three aforementioned questions, three arguments are proposed. Firstly, Islamic revivalism in Indonesia and Malaysia share a similar sphere of influence. The global development of Islam has been shown to impact the development of Islamic revivalism in both countries. Secondly, the availability of political channels also affects the agenda of Islamic parties in both countries to legalise Islamic law. The closure of political channels in Indonesia has hindered the development of Islamic law legalisation. In contrast, the openness of political channels in Malaysia has encouraged the progressive development of Islamic legalisation. Additionally, the ambition to legalise Islamic law, driven by Islamic parties, is influenced by how far these parties are able to moderate their views. The attempt to legalise Islamic law in Indonesia is significantly influenced by the high degree of moderation of existing Islamic parties. In contrast, the attempt to legalise Islamic law in Malaysia is strongly influenced by the low degree of moderation of Islamic parties.

This research relies on qualitative methods to collect research data from academic books, journal articles, academic reports, and online news sources relevant to the research topic. The obtained research data is then analysed using the theoretical framework of Islamic revivalism. This research aims to describe the phenomenon of Islamic revivalism in politics, as reflected through the efforts of Islamic parties to legalise Islamic law in Indonesia and Malaysia over the last three decades.

## Discussion

### Islamic Revivalism

The Beginning the discussion on Islamic revivalism, it can be conceptually interpreted as the revitalisation of Islam or *as-Sahwah I-'Islamiyyah*. This revitalisation of Islam is an effort to revive the teachings of Islam in

various aspects of human life.[26] The forms of revitalisation include purifying the teachings of Islam from foreign elements, returning Islamic teachings to their pure form, and guiding believers in managing their personal and group lives. However, it is important to understand that the revitalisation being discussed is not simply a return to the Islamic past. Rather, it is an effort to revive Islamic teachings and practices in order to establish their compatibility with the realities of modern life. Islamic revivalists view the purity of Islam as a guiding force for humanity in all areas of life. The pure teachings of Islam must be a reference for personal and group behaviour including marriage, family life, education, social relations and even economic affairs.[27]

The phenomenon of Islamic revival is not a spontaneous occurrence, but rather a result of the Islamic revivalist movement. This movement has various underlying causes, although there is a common factor behind it. Generally, the Islamic revivalist movement is a response to the modernisation, secularisation, and westernisation that have taken place in Muslim-majority countries. Following the breakup of Islamic monarchies in various parts of the world, they were subjected to European colonialism and oppression. These countries were then forced to transform into nation-states by accepting secular ideologies. Despite ongoing demands for modernisation, socio-economic suffering remained rampant. These problems were often accompanied by injustice and state-sponsored oppression. Amidst the failure of modernisation, the revivalist movement proposes a return to the pure teachings of Islam as a solution to the aforementioned problems.[28]

The movement method aims to bring Muslim society closer to the teachings of Islamic purity through two paths: political da'wah and non-political da'wah. The political da'wah path aims to create a new state life system, as exemplified by the al-Ikhwan al-Muslimun movement in Egypt, founded in 1928 by figures such as Hassan al-Banna and Sayyid Qutb, and Jama'at e-Islami, founded in Pakistan in 1947 by Abul A'la Maududi. Meanwhile, the non-political da'wah path aims to restore the personal life of a Muslim through teaching practices such as Jamaah Tabligh. Jamaah Tabligh was founded in India in 1924 by Mohammad Ilyas.[29] The development of Islamic revivalism in each Muslim-majority country shows a diverse character. On the one hand, the expression of Islamic revivalism appears as a sociocultural phenomenon, but on the other

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[26] Ali, "Introduction to Special Issue: Islamic Revivalism and Social Transformation in the Modern World."

[27] Ali.

[28] Ali, "Contemporary Islamic Revivalism."

[29] Ali, "Introduction to Special Issue: Islamic Revivalism and Social Transformation in the Modern World."

hand, the expression of Islamic revivalism appears not only as a sociocultural phenomenon but also a political phenomenon.

**The Roots of Islamic Revivalism in Indonesia**

In Indonesia, the phenomenon of Islamic revivalism can be traced back to the 1970s and 1980s. The movement's roots can be traced to Islamic preaching organizations that existed during the New Order era, including the Indonesian Islamic Da'wah Council (DDII).[30] DDII was identified as one of the organisations that contributed to the phenomenon of Islamic revivalism in Indonesia, alongside established Islamic organisations such as Muhammadiyah, Nahdlatul Ulama (NU), Islamic Unity (Persis), and even Ahmadiyah. The dissolution of the Indonesian Muslim Shuro Assembly Party (Masyumi Party) in 1960[31] had created political frustration among Muslims. This led Masyumi activists to establish a non-political da'wah organisation called DDII. DDII was established with the aim of revitalising the mental and spiritual state of Muslims at that time.[32]

The DDII movement is characterised by its acceptance of strong democracy and its opposition to Christianisation. Additionally, DDII has a religious orientation with Middle Eastern influences, particularly from Saudi Arabia.[33] DDII was sponsored by Saudi Arabia and has developed into an Islamic preaching movement with connections to global political issues in Muslim countries. In the late 1980s, DDII formed an international committee, known as the Indonesian Committee for Solidarity with the Islamic World (KISDI), to address global political issues in the Islamic world, such as those in Palestine, Bosnia, and Chechnya. The founders of KISDI were predominantly fundamentalist Muslims who believed in a global conspiracy of Western Jews and Christians to weaken Muslims.[34]

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[30] Hefner, *Civil Islam: Muslims and Democratization in Indonesia.*

[31] Hasanuddin Yusuf Adan et al., "Islam and the Foundation of the State in Indonesia: The Role of the Masyumi Party in the Constituent Assembly the Perspective of Fiqh Al-Siyāsah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 377, https://doi.org/10.22373/sjhk.v7i1.16650.

[32] Hefner, *Civil Islam: Muslims and Democratization in Indonesia.*

[33] Martin Van Bruinessen, "Genealogies of Islamic Radicalism in Post-Suharto Indonesia," *South East Asia Research* 10, no. 2 (July 18, 2002): 117–54, https://doi.org/10.5367/000000002101297035; Syariful Alam, Sholahuddin Al-Fatih, and Merve Ozkan Borsa, "Islamism and The Challenge of Democratization in Indonesia," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (2023): 198–213, https://doi.org/https://doi.org/10.18860/j-fsh.v15i2.23398.

[34] Hefner, *Civil Islam: Muslims and Democratization in Indonesia.*

In the 1980s, books on Islam began to circulate in public, in addition to DDII. These books were authored not only by Indonesian writers but also by writers from Iran, Egypt, and other Arab countries. Mizan, Pustaka Bulan Bintang, and Gema Insai Press were among the well-known publishers at that time.[35] The circulated books included works by Hassan al-Banna, Abul-A'la Maududi, and several works by Sayyid Qutb. The influence of Islamic thought on Muslims in Indonesia during that era cannot be denied. In addition to the works mentioned above, the success of the Iranian Islamic Revolution in 1979 also served as an inspiration for the Muslim world. The works of revolutionary figures such as Ali Shari'ati and Khomeini were widely read among Islamic preaching activists at that time.[36]

Contributors to the phenomenon of Indonesian Islamic revivalism include Muslim students in various universities in Indonesia, who are motivated to preach Islam with a scientific and cultural approach rather than a political one. In addition to DDII, these organisations also provide support. Campus da'wah organisations have emerged in various universities in Indonesia, calling themselves the tarbiyah movement, which later changed its name to Lembaga Dakwah Kampus (LDK). This movement was influenced by the ideas of the Muslim Brotherhood (IM) activists from Egypt, in terms of religious style. The works of Sayyid Qutb were among the references. The movement later named itself as the Indonesian branch of the Muslim Brotherhood during its development.[37]

The phenomenon of revivalism is also supported by the development of Islamic higher education institutions, specifically the State Islamic Institute (IAIN), which later changed its name to the State Islamic University (UIN).[38] According to Hefner (1997)[39], Islam in Indonesia experienced rapid development in the 1970s, with the construction of mosques, Islamic schools, and the publication of Islamic books. The phenomenon of Islamization is developing more rapidly in Indonesia due to the growth of the Muslim middle class.[40] Additionally, Muslims in Indonesia are increasingly concerned about

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[35] Tamara, *Indonesia in the Wake of Islam, 1965-1985*.

[36] L Y B Arnakim, "Islamic Revivalism in Indonesia: Contestation between Substantive and Formalist Muslims," *AEI Insights* 5, no. 1 (2019): 41–55, https://aei.um.edu.my/docs/aei-insights-2019/aei-insights-2019-v2.pdf#page=41.

[37] Van Bruinessen, "Genealogies of Islamic Radicalism in Post-Suharto Indonesia."

[38] Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20*.

[39] Robert W Hefner, "Islamization and Democratization in Indonesia," in *Islam in an Era of Nation-State: Politics and Religious Renewal in Muslim Southeast Asia*, ed. Robert W. Hefner and P Horfatich (Honolulu: University of Hawai'i Press, 1997).

[40] Robert W. Hefner, "Introduction: Islam in an Era of Nation-State: Politics and Religious Renewal in Muslim Southeast Asia.," in *Islam in an Era of Nation-State: Politics and*

contemporary issues, including human rights, pluralism, and freedom. However, it should be noted that the Islamic revival in Indonesia did not immediately transform into the formation of organized political forces that demanded the widespread and systematic implementation of Islamic laws. At that time, Islamic revivalism was primarily a sociocultural phenomenon.

## The Roots of Islamic Revivalism in Malaysia

In Malaysia, Islamic revivalism can be traced back to the 1960s. The movement's roots are closely tied to two major political organizations: UMNO and PAS. UMNO is a political party representing the Malaysian Malay Muslim Association, founded in 1946. PAS, on the other hand, is an Islamic political party that was established in 1951 as a faction of UMNO. PAS was founded because they believed that UMNO was deviating from its commitment to fighting for Islam.[41] The rise of Islam in Malaysia can be attributed to Malaysia's development policy through the New Economic Policy (NEP) as a response to the ethnic riots in 1969, which were caused by socio-economic inequality between ethnic Malays and Chinese.[42]

To address socio-economic inequality experienced by Malays in Malaysia, Tun Abdul Razak Hussein, the Prime Minister of Malaysia, initiated the NEP policy in 1970. As part of the NEP program, Malay students were sent to study at foreign universities, including those in the United States, United Kingdom, Australia, Iran, Pakistan, and Saudi Arabia. During its development, many students who continued their studies abroad were exposed to the ideas of transnational Islamic movements. This included those who studied in non-Muslim majority countries such as England. After completing their studies, many of these students became Islamic activists and joined Islamic political organizations. One such organization was the conservative Islamic party known as PAS. In addition to the aforementioned political organizations, Islamic revivalism in Malaysia receives support from Malaysian youth movement organizations. One such organization is the Malaysian Islamic Youth Force (ABIM), which was established in 1970 under the leadership of Anwar Ibrahim.[43]

*Religious Renewal in Muslim Southeast Asia*, ed. Robert W. Hefner and P Horfatich (Honolulu: University Hawai'i Press, 1997).

[41] Olivier, *Islamic Revivalism and Politics in Malaysia*.

[42] Olivier.

[43] Muhammad Haniff Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia," *The Muslim World* 97, no. 2 (April 2007): 287–316, https://doi.org/10.1111/j.1478-1913.2007.00174.x.

ABIM is an Islamic youth organization that is influenced by Islamic movements from outside Malaysia, such as Abul Al'a Maududi, Hassan al-Banna, Malek Ben Nabi from Algeria, and Ismail Raj Faruqi from the United States.[44] ABIM is concerned with global Islamic political issues, similar to DDII in Indonesia. ABIM leaders also have good relations with international Muslim figures. Anwar Ibrahim's visit to Iran after the Iranian Islamic revolution is a demonstration of the fundamentalist religious political style of ABIM at that time. ABIM demanded that Malaysia become an Islamic country based on Islamic law.[45] Other organizations that also support Islamization in Malaysia include Darul Arqam and Tablighi Jamaah. The aforementioned organizations were pioneers in the wave of Arabization in Malaysia. This was demonstrated through campaigns promoting the wearing of headscarves for women, head coverings, and even robes for men.

Islamization in Malaysia gained momentum when PAS joined the UMNO coalition, Barisan Nasional (BN), in 1973. UMNO demonstrated its commitment to Islamization by implementing policies such as the prohibition of alcoholic drinks and gambling, organizing public Al-Qur'an reading competitions, and introducing the call to prayer. This wave of Islamization coincided with the victory of Middle Eastern countries, which led to a surge in oil prices after the 1973 oil crisis.[46] Apart from this, the success of Iran's Islamic revolution also inspired organizations like ABIM and PAS to adopt the language of the Iranian Islamic Revolution. In contrast to Indonesia, where Islamic revivalism is solely a sociocultural phenomenon, in Malaysia it is both a sociocultural and political phenomenon. The emergence of Islam in Malaysia is demonstrated through organised political groups that frequently make the legalisation of Islamic law a key aspect of their political agenda.

## Indonesian Case

## Closure of Political Channels for Islamic Parties:

## The Slow Pace of the Soeharto Era Islamic Law Legalization Agenda

Continuing the explanation of the roots of the Islamic revivalism movement in Indonesia, it is evident that the revival of Islam in the form of preaching and education is a clear indication of the deadlock of Islam in the political field.[47] This political impasse of Islam is correlated with the slow and

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[44] Farish Noor, *"The Caliphate: Coming Soon to a Country Near You?"* (Berlin: Institut fur Islamwissenschaft, Freie Universitat of Berlin, 2000).

[45] Sundaram and Cheek, "The Politics of Malaysia's Islamic Resurgence."

[46] Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia."

[47] Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20.*

arduous agenda for the legalization of Islamic law during the Soeharto era.[48] During the New Order era, the initiation of Islamic law was dominated by the government controlled by the secular nationalist party Golkar. It is important to note that the process was slow and tortuous. However, it cannot be denied that the PPP as a representative of the Islamic party also contributed to its criticism. The accommodation of the legalization of Islamic law by Golkar, particularly Suharto, is often viewed as a strategic effort to gain support among the growing Muslim population who are starting to have a strong influence in various sectors.[49] Additionally, Suharto's politics of accommodation reflected the need for support from Muslims amidst the breakdown of support from the military faction in backing Suharto within Golkar.[50]

The slow and difficult process of legalizing Islamic law, without the involvement of the Islamic party PPP as the leading advocate, reflects the political impasse of Islam during the New Order era. This impasse was due to the New Order's perception of Islam as a political threat to Suharto's power, similar to communism during the Soekarno era. In Indonesia, there have been political tensions between Islamic and non-Islamic groups regarding the role of Islam in the state. This was occurring in early independence when particular Islamic groups had ambition to impose Islamic state ideology namely Jakarta Charter. Although this led to the political dispute, the ambition finally must be withdrawn by Islamic groups themselves considering to preserving unity among diverse social religion groups in Indonesia. This led to the annulment of the Jakarta Charter and its replacement by nationalist ideology Pancasila. Due to ambitions above, Muslims are sometimes viewed with suspicion, as they are perceived to want to revive the issue of Islam as the basis of the state and

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[48] Thaba (1996) categorises the relationship between Islam and the New Order government into three distinct periods: the antagonistic period (1966-1981), the reciprocal and critical period (1982-1985), and the accommodative period (1986-1998). During the third period, Islam gradually aligned its political interests with those of the government. During the first 15-year period, only two Islamic laws were adopted as national regulations: Marriage Law No. 1 of 1974 and Waqf Law No. 28 of 1977. In the subsequent three-year period, only one Islamic law, namely the Religious Courts Law No. 7 of 1989, was adopted. Finally, during the third period, which lasted 12 years, two Islamic laws were adopted: Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law and Banking Law No. 7 of 1992. See, Thaba, *Islam Dan Negara Dalam Politik Orde Baru*; Arskal Salim and Azyumardi Azra, "Introduction: The State and Shari'a in the Perspective of Indonesian Legal Politics," in *Shari'a and Politics in Modern Indonesia*, ed. Arskal Salim and Azyumardi Azra (Singapore: ISEAS Publishing, 2003).

[49] R. William Liddle, "The Islamic Turn in Indonesia: A Political Explanation," *The Journal of Asian Studies* 55, no. 3 (August 26, 1996): 613–34, https://doi.org/10.2307/2646448.

[50] Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20*.

establish an Indonesian Islamic State (NII).[51] This stigma has been embedded towards Islamic groups not only in Soekarno but also during Soeharto era. During the Soeharto era, there were suspicions of political involvement among Muslims.[52] To address this, several political measures were taken to depoliticize the Muslim community. The closed state of Muslim political channels in Indonesia during this time can be attributed to various factors, such as special intelligence operations, party fusion politics, floating mass politics, and the implementation of the Single Pancasila principle of politics.

The first type of special operation carried out by Soeharto was special intelligence operations. These operations were used to co-opt political Islam, including the elimination of senior Masyumi activists who were active in the Indonesian Muslim Party (Parmusi), which was founded in 1968. Parmusi was politically affiliated with Masyumi activists who disbanded in 1960 due to their involvement in the rebellion of the Revolutionary Government of the Republic of Indonesia (PRRI). Soeharto's political intervention resulted in the coup d'etat of Djarnawi Hadikusumo and Lukman Harun, who were replaced by Jaelani Naro and Imran Kadir, respectively. Naro and Kadir had close relations with the ruling military at that time.[53] As a result, Naro and Kadir had to support Golkar, which led to the loss of Parmusi's mass base. Parmusi's support mainly came from modernist Muslims, particularly Muhammadiyah and the Islamic Students Association (HMI).[54]

Secondly, Suharto's depoliticization of Muslims was not limited to special intelligence operations. It was also achieved through the implementation of party fusion politics. There were four Islamic political parties that were permitted to compete in the elections after Soekarno's resignation. These parties were the Nahdlatul Ulama Party (NU), the Islamic Party United Tarbiyah Islamiyah (Perti), the Indonesian Islamic Syarikat Party (PSII), and the Islamic Party Indonesian Muslims (Parmusi). Soeharto merged the Islamic parties into

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[51] Latief; Irhamdi Nasda, "Comparison Of The Concepts Of Democratic And Shura Systems Of Government," *MILRev : Metro Islamic Law Review* 2, no. 1 (June 30, 2023): 52–64, https://doi.org/10.32332/milrev.v2i1.6862.

[52] In addition to responding to suspicions of Muslims, the strategy of depoliticising Muslims was also an attempt to promote political stability, allowing the New Order government to pursue its capitalist development agenda. See, Vedi R. Hadiz, "Indonesian Political Islam: Capitalist Development and the Legacies of the Cold War," *Journal of Current Southeast Asian Affairs* 30, no. 1 (March 1, 2011): 3–38, https://doi.org/10.1177/186810341103000101.

[53] Donald Porter, *Managing Politics and Islam in Indonesia* (London: Routledge Curzon, 2002).

[54] Abdil Mughis Mudhoffir, "Political Islam and Religious Violence in Post-New Order Indonesia," *MASYARAKAT: Jurnal Sosiologi* 20, no. 1 (January 15, 2016), https://doi.org/10.7454/mjs.v20i1.4796.

one political party, the United Development Party (PPP), through party fusion politics in 1973. This process reignited the internal conflict between modernist and traditionalist Muslims, similar to what happened during the Masyumi era. However, the conflict was eventually resolved within the PPP. Over time, support for the PPP grew stronger, prompting Soeharto to launch intelligence propaganda aimed at reducing the PPP's electability. Prior to the 1977 elections, the issue of the Jihad Command (Koji) was brought to the public as a means of suppressing the PPP. The Jihad Command is an Islamic group with Darul Islam (DI) alumni that was fostered by intelligence to eradicate communist groups during the Old Order era.[55] Koji was recorded as carrying out terrorist bombings in hotels and Christian hospitals. The jihadist commando movement may have been raised to dampen support for the PPP as an Islamic party. It is important to maintain objectivity and avoid subjective evaluations.

Thirdly, in suppressing political Islam and strengthening support for Golkar, Soeharto also implemented a floating mass political policy.[56] This policy was introduced after the 1971 elections and prohibits political parties, except Golkar, from establishing political offices below the sub-district level. An exception applies to Golkar as it is not a political party but a functional group or mass organization permitted to participate in elections. Floating mass political policies can result in the disconnection of political relations between political parties and their mass base. The PPP Islamic Party believes that a floating mass political policy would sever its ties with the Muslim mass base in the villages, thereby weakening Muslim support for the party.

Fourthly, a political policy that contributed to the political frustration experienced by Muslims during the New Order era was the implementation of the single principle of Pancasila to all social and political organizations, including Islamic-leaning ones.[57] This policy created its own dynamics among political Islamic groups, particularly the PPP. In 1982, political organizations were obligated to adopt the single principle of Pancasila, which forced Islamic parties to accept the state ideology as the principle of political struggle. Political Islamists view the Single Principle of Pancasila as an attempt to strip away Islamic identity or de-Islamize. Despite this, the PPP was compelled to accept the Single Principle policy in August 1984. Soeharto's depoliticization measures towards Muslims had the effect of hindering the development of political Islam and obstructing Muslim political channels. Consequently, the process of

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[55] Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20.*
[56] Latief.
[57] Latief.

legalizing Islamic law during the New Order period proceeded slowly and was difficult.

**Strengthening Moderation Among Islamic Parties:**

**Declining Ambitions for the Legalisation of Islamic Law After Soeharto**

During Soeharto's leadership, the agenda for legalizing Islamic law proceeded slowly and tortuously due to the closure of political channels for Muslims. However, it should be acknowledged that the relationship between Soeharto and Islam in the New Order era appeared to be increasingly accommodating at times.[58] After Suharto's resignation from the presidency, the situation changed drastically, and the previously closed political channels for Muslims began to open widely. In the 1999 Legislative Election, 48 political parties, both Islamic and non-Islamic, participated due to this political phenomenon.[59] Out of the many political parties, 20 are categorised as Islamic because they adopt Islam as their guiding principles, prioritise Islamic symbols, and claim to be political channels for Islamic community organisations (ormas). Of these 20 parties, 9 place Islam as the basis of their political struggle.[60] In the 1999 Legislative Election, parties in the Islamic category won 173 out of the 462 parliamentary seats, which accounts for 37.46% of the total seats.[61]

The opening of political channels is not solely marked by the freedom to establish political parties. Equally important to the opening of political channels

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[58] Thaba, *Islam Dan Negara Dalam Politik Orde Baru*; Andi Fariana, "Legal Politics as a Catalyst in Forming Sharia Economic Legal System in the Indonesia's New Order and Reform Era," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (December 29, 2021): 197–212, https://doi.org/10.18326/ijtihad.v21i2.197-212; Khamami Zada et al., "Constitutionalizing Sharia: Identity and Independence of Islamic Politics Among Students," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 195–206, https://doi.org/http://dx.doi.org/10.31958/juris.v21i2.6954; A. Malthuf Siroj, Ismail Marzuki, and Elkhairati Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (May 16, 2023): 95–116, https://doi.org/10.29240/jhi.v8i1.6618; S. Syahbudi, "Memahami Dialektika Antara Perilaku Agama Dan Politik Dalam Perumusan Hukum Islam Di Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 (November 11, 2021): 295–312, https://doi.org/10.29240/jhi.v6i2.3373.

[59] Dwight Y. King, "The 1999 Electoral Reforms in Indonesia: Debate, Design and Implementation," *Asian Journal of Social Science* 28, no. 2 (2000): 89–110, https://doi.org/10.1163/030382400X00064.

[60] Azyumardi Azra, "The Islamic Factor in Post Soeharto Indonesia," in *Indonesia in Transition: Social Aspect of Reformasi and Crisis*, ed. Chris Manning and Peter van Diermen (Canberra & Singapore: Research School of Pacific and Asian Studies, 2000).

[61] The Islamic parties that won seats in the DPR in the 2009 Legislative Election were as follows PPP 58 seats, PKB 51 seats, PAN 34 seats, PBB 13 seats, PK 7 seats, PNU 5 seats, followed by PP 1 seat, PPIIM 1 seat, PDR 1 seat, PSII 1 seat, PKU 1. Lihat, Latief, *Inteligensia Muslim Dan Kuasa: Geneologi Inteligensia Muslim Indonesia Abad Ke 20*.

after the fall of Soeharto is the issuance of Law Number 22 of 2009 concerning Regional Autonomy. This law grants regions the authority to regulate and manage the interests of local communities based on community aspirations and statutory regulations.[62] The impact of the large number of Islamic parties and regional autonomy on the post-Soeharto agenda of legalizing Islamic law is significant. While the battle for the legalization of Islamic law was primarily at the national level during the Soeharto era, it has shifted to the local or regional level after his fall.[63] Between 1998 and 2013, 443 regional regulations were recorded to have adopted Islamic law. Out of the 443 regional regulations that incorporate Islamic law, 299 (67.5%) are located in six Indonesian provinces: Aceh, West Java, East Java, West Sumatra, South Kalimantan, and South Sulawesi.[64] It is important to note that these provinces are densely populated, accounting for half of Indonesia's total population.

Upon closer examination, it is revealed that 15% (66/433) of regulations with Islamic nuances are executive orders, while 85% (377/443) are local or regional regulations. The data also indicates that the majority of regional heads who adopted sharia regulations were closely affiliated with New Order political actors and had no ties to Islamic parties. Additionally, there has been a gradual decline in votes for Islamic parties.[65] Between 1993 and 2013, secular parties such as Golkar controlled the majority of seats in all parliaments in regions that supported Sharia regional regulations, such as West Java, West Sumatra, and South Sulawesi.[66] In this case, Golkar, as a secular nationalist party, is able to address religious issues at the local level. In addition, Golkar aims to attract the support of conservative Islamic movements at the local level, making them its constituent base. This has resulted in the realization of their political demands, such as the creation of regional regulations with an Islamic nuance.[67]

Based on the above explanation, it is evident that the legalization of Islamic law at the local level after the fall of Soeharto was led by secular

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[62] Michael Buehler, "The Rise of Shari'a by-Laws in Indonesian Districts," *South East Asia Research* 16, no. 2 (July 18, 2008): 255–85, https://doi.org/10.5367/000000008785260473.

[63] Zuly Qodir, "Post-Islamism and Legal Reform : The Challenges and Future of Political Islam in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 23, no. 2 (2023): 281–306, https://doi.org/https://doi.org/10.15408/ajis.v23i2.31484.

[64] Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia* (Cambridge: Cambridge University Press, 2016).

[65] Sunny Tanuwidjaja, "Political Islam and Islamic Parties in Indonesia: Critically Assessing the Evidence of Islam's Political Decline," *Contemporary Southeast Asia* 32, no. 1 (2010), https://www.jstor.org/stable/2755155?origin=crossref.

[66] Tanuwidjaja.

[67] Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia.*

nationalist parties rather than Islamic parties. This demonstrates the ongoing phenomenon of moderation among Islamic parties in Indonesia. Pragmatic electoral needs have encouraged Islamic parties to be moderate and adaptive to the current political situation. The United Development Party (PPP), Crescent Star Party (PBB), and Prosperous Justice Party (PKS) are Islamic parties that have demonstrated moderation by no longer prioritising Islamic law as their vision of political struggle.[68]Additionally, these parties have been adaptive in forming coalitions with non-Islamic parties to win elections. It is important to note that many regional regulations that adopt Islamic law are created by non-Islamic parties.

**Malaysian Case**

**Opening of Political Channels for the Islamic Party:**

**The Massive Agenda for Legalization of Islamic Law in the Mahathir Era**

In contrast to Indonesia, Islamic revival in Malaysia not only took on a sociocultural form but also transformed into a formal, institutionalized political force through Islamic parties. This transformation from sociocultural to political movements indicates that Islam is becoming a significant player in Malaysian politics. The success of this transformation is linked to the agenda for legalising Islamic law during the Mahathir Mohamad era. This was done progressively compared to the previous era.[69] The initiative to introduce Islamic law was largely supported by the ruling moderate Malay Islamic party, such as UMNO, which has been the political vehicle of Malaysian Prime Minister Mahathir Mohamad for 22 years. Along the way, the conservative Islamic party PAS also supported the legalization of Islamic law by joining the Barisan Nasional (BN) coalition initiated by UMNO. UMNO and PAS were the driving force behind the movement to legalize Islamic law in Malaysia, despite their occasional differences in perspective.

In contrast to Indonesia, the agenda for the progressive legalization of Islamic law in Malaysia reflects the open political channels available to Muslims. These channels provide space, particularly for Islamic parties, to voice their

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[68] Michael Buehler, "Revisiting the Inclusion-Moderation Thesis in the Context of Decentralized Institutions," *Party Politics* 19, no. 2 (March 19, 2013): 210–29, https://doi.org/10.1177/1354068812462933.

[69] During Mahathir's 22-year leadership (1981-2003), Islamic law was legalized in 13 states in Malaysia. This included Islamic Family Law, Islamic Criminal Law, Islamic Procedural Law, and Islamic Banking Law, which were widely published in the Federation region (Kuala Lumpur, Labuan, Putrajaya) and Selangor. The legalization of Islamic law also spread to other states beyond these two regions. See, Shuaib, "The Islamic Legal System in Malaysia"; Chin Chin and Hadi, "Researching Islamic Law: Malaysian Sources."

political interests, including advocating for the legalization of Islamic law as national law. In contrast to Indonesia, where political suspicion of Muslims emerged strongly during the Soeharto era, Malaysia did not exhibit such suspicion. The absence of political suspicion towards Muslims is understandable because Islam has been formally agreed upon as the basis of the Malaysian state.[70] In contrast to the Indonesian context, Indonesia's political history does not identify it as an Islamic country. There was a period of political tension regarding the placement of Islam as the basis of the state. Several factors contributed to the open political channels for Muslims in Malaysia, particularly during the Mahathir era. Some of these factors are attributed to Islam's special position in Malay society prior to independence, its role in the political structure of the Malaysian state, and the government's strong policy of promoting Islam under Mahathir Mohamad.

The opening of political channels for Muslims in Malaysia is closely linked to the special position of Islam within Malaysian society. Islam has been present on the Malay peninsula since the 14th century and has since become a widely accepted religion among the people. This acceptance is reflected in the institutionalized social and local customary laws that are based on Islamic teachings.[71] During this period, the Sultan rulers played a significant role in enforcing Islamic law in the Malay peninsula. The Islamic law, commonly referred to as the Melaka Law, was prevalent at that time.[72] The Sultan's rulers' adoption of Islam led to an increase in the number of ethnic Malays, who were the majority population on the peninsula, embracing the religion. As a result, this promotes the assimilation of Islam and Malays or the merging of Islamic and Malay cultural identities.[73] Islam has become a unifying symbol among the Malay Muslim community. Loyalty to the Sultan rulers was justified and legitimized by Islamic teachings. Those who were disloyal to the Sultan's rulers were seen as promoting division and deserving sanctions. The British colonial occupation of the Malay peninsula did not put an end to the institutionalization of Islamic law. In fact, Islam became a central and administrative religion in the hands of the Sultans of each country during this period. The concrete manifestation of this institutionalization was the birth and implementation of Mohamedan Islamic law.[74]

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[70] Daniels, *Living Sharia: Law and Practice in Malaysia.*

[71] MB. Hooker, "Introduction: Islamic Law in South-East Asia," *Studia Islamika* 10, no. 1 (March 30, 2014), https://doi.org/10.15408/sdi.v10i1.636.

[72] Hooker.

[73] Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia."

[74] The law in question is the Marriage Procedure Law for Malay Muslims on the Malay Peninsula. It was first issued by the British colonial

Apart from the strong institutionalization of Islamic law, Islam holds a unique position in both the religion of the Malay Peninsula and the practice of constitutional politics in Malaysia. According to the Malaysian constitution's Article 3(1) of 1957, Islam is the religion of the Malaysian federation, while other religions are allowed to practice their beliefs in a peaceful and harmonious atmosphere throughout the territory of the Malaysian federation.[75] The placement of Islam as the basis of the Malaysian state has contributed to the mainstreaming of Islam in the political field. The existence of an Islamic state creates conditions of superiority for the Malay ethnic group compared to other ethnic groups, such as Chinese and Indian ethnicities. As previously explained, Islam and Malays are often seen as a single identity, meaning that many Malays are Muslim. Article 153 of the Malaysian constitution recognises and mandates the Sultan as a religious leader whose duty is to defend and protect the Islamic religion and Malay culture.[76] It is important to note that this provision is based on the principle of upholding the rights of all Malaysians, regardless of their race or religion. The privilege of the Malays is reflected in various ways, including the fact that only Malays are allowed to become heads of state, Malay being the official national language, the dominance of Malays in the civil service, including the armed forces and police, the existence of special permits for Malays, and the availability of special educational and economic subsidies for Malays.[77]

Thirdly, if the two aforementioned factors are prerequisites for the establishment of political channels for Malaysian Muslims, then the third factor, which is the robust policy of Islamic mainstreaming by Mahathir Mohamad, is also a decisive factor in conditioning the opening of political channels for Malaysian Muslims. Although Malaysia is an Islamic country, political channels cannot always be relied upon to realize the vision of Islamization without real political commitment and struggle. The Islamization of Malaysia was slow before Mahathir's era.[78] The strong policy of mainstreaming Islam by Mahathir

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government in 1880. Prior to this, marriage procedures were not regulated by formal law. The law underwent several revisions from 1880 to 1959. See, Bin Hassan; Yeni Salma Barlinti, "Harmonization of Islamic Law in National Legal System: A Comparative Study Between Indonesia Law and Malaysian Law," *Indonesia Law Review* 1, no. 1 (April 30, 2011), https://doi.org/10.15742/ilrev.v1n1.95; Mohamad Firdaus Mansor Majdin, "The Administration of Muslim Affairs in the Straits Settlements during the 19th Century," *IIUM Journal of Religion and Civilisational Studies (IJECS)* 1, no. 1 (2018): 101–9.

[75] Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia"; Joseph M. Fernando, "The Position of Islam in the Constitution of Malaysia," *Journal of Southeast Asian Studies* 37, no. 2 (June 15, 2006): 249–66, https://doi.org/10.1017/S0022463406000543.

[76] Olivier, *Islamic Revivalism and Politics in Malaysia.*

[77] Olivier.

[78] Although UMNO, the Moderate Malay Islamic Party, controls it, the process of Islamization in Malaysia has been progressing slowly from

Mohamad has been the most significant factor in opening political channels for Muslims. Mahathir's political policies provide a clear path towards Islamization and grant privileges to Malay Muslims.[79]

During Mahathir's leadership, several political steps were taken, including the implementation of a national program policy aimed at instilling universal Islamic values into the work culture of the Malaysian bureaucracy.[80] The Islamization of the bureaucracy was a significant aspect of Mahathir's leadership. In addition to the aforementioned national programs, Mahathir also established the Malaysian Islamic Progress Bureau (JAKIM), an organization within the Prime Minister's Department responsible for codifying Islamic law to be implemented in various states in Malaysia.[81] Another organization founded by Mahathir is the State Administration Bureau (BTN). This organisation is responsible for implementing programmes for Malay Muslims who will join the civil service, with the aim of promoting patriotism and emphasising the importance of Malay Muslims in government, without discriminating against non-Malays. Mahathir's policy of Islamisation had a significant impact on the political landscape of Malaysia, making Islam the dominant political force. The institutions established by Mahathir had a lasting effect on the process of bureaucratic Islamisation. The Islamisation of the bureaucracy facilitated the creation of political avenues for Muslims, resulting in the implementation of Islamic law in various Malaysian states.[82] It is documented that numerous Islamic legal initiatives were proposed by bureaucrats who served during Mahathir Mohamad's leadership.[83]

## Low Moderation Among Islamic Parties:

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Tunku Abdul Rahman to Tun Hussein Onn's leadership. In the past, under the leadership before Mahathir Mohamad, Islam was considered nothing more than a symbol of the state. During their era, Malaysia was not projected to become an Islamic country. See, Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia."

[79] Olivier, *Islamic Revivalism and Politics in Malaysia*.

[80] Olivier; Bin Hassan, "Explaining Islam's Special Position and the Politic of Islam in Malaysia."

[81] Daniels, *Living Sharia: Law and Practice in Malaysia*.

[82] Malaysia is a federation comprising 13 states, each with legal sovereignty to determine its own laws, provided they do not conflict with the Malaysian constitution. It is important to note that Islamic law cannot be legalized if it conflicts with the constitution. See, Shuaib, "The Islamic Legal System in Malaysia."

[83] During Mahathir's leadership, the legalization of Islamic law often passed through parliament without debate, despite being initiated by Muslim bureaucrats. Those who express disagreement are often labelled as un-Islamic or anti-Islam within Muslim circles, while non-Muslim groups are often considered to have no right to discuss the matter. See, Olivier, *Islamic Revivalism and Politics in Malaysia*.

### Strengthening Ambitions for Legalizing *Hudud* after Mahathir

During Mahathir's leadership, political channels were opened for Muslims, leading to a surge in the legalization of Islamic law in several states in Malaysia led by Islamic parties particularly PAS. Kelantan and Terengganu have become states in which Islamic law was being pushed for legalization. As Islamic conservative party, PAS has governed Kelantan and Terengganu since 1999 and 1990 respectively. In both states, PAS pushed conservative version of syariah law. In Kelantan, PAS government successfully passed the Kelantan Syariah Criminal Code in 1993. However, the Mahathir government rejected PAS' attempt beside the rejection from the Sultan of Kelantan, Ismail Petra. In Terengganu, PAS government backed by UMNO also successfully passed Syariah Criminal Offences Act in 2003 thought it cannot be implemented due to contrast to the federal constitution.[84]

Despite the effort made by Islamic parties in states level, Mahathir believed that the emergence of various Islamic legal products in Malaysia has made it a country worthy of being called an Islamic country.[85] Legalizing Islamic law is often a political commodity for Islamic parties to gain political support.[86] This claim is significant for Mahathir, but it should be noted that it is a subjective evaluation and therefore should be clearly marked as such. After Mahathir resigned as the Prime Minister of Malaysia in 2003, the agenda for legalizing Islamic law, which was previously considered complete in Malaysia, became a political commodity to gain public support. This phenomenon had occurred since the split of the PAS and UMNO coalition within the Barisan Nasional (BN) in 2003. Following Mahathir's resignation, the legalization of Islamic law was more narrowly interpreted as the legalization of hudud or Islamic criminal law. The dynamic political situation has made the hudud issue a political matter during every election.

The legalization of hudud has become a contested issue in the rivalry between two Malaysian Islamic parties, PAS and UMNO. The push for legalization, which is still being politicized by PAS, highlights the absence of moderate inclusion within Islamic parties in Malaysia, particularly PAS. In contrast to Indonesia, Malaysia's parliamentary democratic system does not

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[84] Norshahril Saat, "Will PAS Governments in Kelantan and Terengganu Push for Islamic Laws?," 2018, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2018_33@50.pdf.

[85] Olivier, *Islamic Revivalism and Politics in Malaysia*.

[86] Since PAS split from the Barisan Nasional (BN) coalition in 1977, it has frequently criticized Mahathir's leadership for not supporting the legalization of *hudud*, an Islamic law. According to PAS, UMNO is a secular party due to its lack of commitment to this issue in various Malaysian states. See, Saat, "Will PAS Governments in Kelantan and Terengganu Push for Islamic Laws?"

necessarily make PAS an ideologically moderate party, as it remains a conservative Islamic party. Unlike other Islamic parties, PAS has not undergone internal secularization as a result of submitting to the democratic system. PAS has long advocated for the legalization of Islamic law, particularly hudud. It is important to acknowledge that the PAS Islamization movement is driven by political ideology. Through its ideological stance, PAS has been successfully gaining massive electoral support in several states including Kelantan and Terengganu. So far, PAS conservative rhetoric has been becoming attractive political brand for conservative muslim in Malaysia to channel their political aspirations. The lack of moderation is evident in the resurgence of PAS's involvement in the hudud issue in 2016, following a period of absence after forming a coalition with non-Islamic parties such as the People's Justice Party (PKR) and the Democratic Action Party (DAP).[87] In that year, PAS called for a review of Law Number 355, which concerns the maximum limit for sharia court sentences. The proposed increase was from 5000 Malaysian Ringgit to 100,000 Malaysian Ringgit, and from 6 lashes and 3 years in prison to 100 lashes and 30 years in prison.[88] The political dynamics of legalizing Islamic law in Malaysia are influenced by the absence of the phenomenon of Islamic party moderation in the country. The conservative Islamic party PAS will continue to demand the legalization of Islamic law in Malaysia

## Comparative Overview in Two Countries

After discussing the dynamics of Islamic Parties in legalizing Islamic law both in Indonesia and Malaysia, in order to make better understanding, the discussion above will be summarized into the table below.

Table 1: The Comparative Overview in Indonesia and Malaysia

| No. | Countries | Islamic Parties Political Channel | The Development of Islamic Law | Islamic Parties Moderation |
|-----|-----------|-----------------------------------|-------------------------------|----------------------------|
| 1. | Indonesia | • Closed in Soeharto era<br>• Relatively opened | • Growing slowly and arduous in Soeharto era | • Islamic parties left to be Ideologically |

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[87] In 2008, PAS formed a coalition with the social democratic party, People's Justice Party (PKR), and the ethnic Chinese party, People's Action Party (DAP), under the name Pekatan Rakyat (PR). This coalition was surprising to many due to the ideological and constituent base differences between PAS and DAP. With PAS joining PR, the *hudud* rhetoric subsided temporarily. However, after PAS left the coalition in 2015, the campaign for *hudud* rhetoric resumed. See, Walid Jumblatt Abdullah, "Inclusion-Moderation or Political Opportunity? Lessons from the Case of Parti Islam Se-Malaysia (Pan-Malaysian Islamic Party, PAS)," *Commonwealth & Comparative Politics* 56, no. 4 (October 2, 2018): 407–26, https://doi.org/10.1080/14662043.2018.1517958.

[88] Saat, "Will PAS Governments in Kelantan and Terengganu Push for Islamic Laws ?"

| No. | Country | | | |
|---|---|---|---|---|
| | | in Post Soeharto era | • Growing progressively in post Soharto era | weak in Soeharto era<br>• Islamic parties experiencing moderation after Indonesia reform |
| 2. | Malaysia | • Opened in Mahathir era<br>• Relatively opened in Post Mahathir era | • Growing progressively in Mahathir era<br>• Growing moderately in post Mahathir era | • Particular Islamic parties in Mahathir era experiencing moderation while others not<br>• Particular Islamic Parties in post Mahathir era still experiencing moderation while others not. |

Data Source: Author compilation

By looking at the table 1. the discussion that broadly range from discussing the condition of Islamic political channel, the development of Islamic law, and also the degree of moderation among Islamic parties in the last three decades both Indonesia and Malaysia hopefully can be simply understood.

## Conclusion

The Islamic revivalist movements in Indonesia and Malaysia share the same roots. The global influence of the Islamic revivalism movement has encouraged the birth of this movement in both countries. In Indonesia, the movement tends to be purely sociocultural, while in Malaysia, it has transformed into a formal, institutionalized political movement through Islamic parties. The lack of progress in the transformation of the Islamic revivalist movement in Indonesia was influenced by the restrictions imposed on the political Islamic movement by the Soeharto regime. These restrictions had the effect of closing Muslim political channels, resulting in a slow and difficult progress towards the legalization of Islamic law in Indonesia. Following the fall of Soeharto, the process of legalising Islamic law gained momentum at the local level due to the opening of political channels, as evidenced by the freedom to establish political parties and regional autonomy. It is important to note that despite the decline in votes for Islamic parties from one election to another, the agenda for legalising Islamic law is being promoted by many secular parties. Golkar, the secular nationalist party, has demonstrated its ability to adapt to local aspirations, including the conservative Islamic movement, resulting in its willingness to issue sharia regulations. The limited involvement of Islamic parties in the legalization

of Islamic law after the fall of Soeharto reflects the widespread moderation of Islamic parties in Indonesia.

In Malaysia, unlike Indonesia, the Islamic revivalism movement has transformed into formal political movements, such as Islamic parties. This transformation is due to the guarantee of free space for the development of political Islam in Malaysia since the country's founding. As a result, political channels have been opened for Muslims in Malaysia. The agenda for legalizing Islamic law in Malaysia is progressing without significant obstacles. During Mahathir's leadership, the legalization of Islamic law stagnated because Malaysia was already considered an Islamic country. This was due to the strong Islamization policy during the Mahathir era. Following Mahathir's resignation, Islamic law was narrowly interpreted as Islamic criminal law or *hudud*. The consistency and strong ambition of PAS to legalize hudud as national and sub-national law reflects the uneven moderation of Islamic parties in Malaysia. This phenomenon highlights the low level of moderation within conservative Islamic parties like PAS, which use Islamic law as a political commodity to gain support.

This study is limited by its reliance on secondary sources consisting academic books, academic reports, and journal articles. A further study should be lying on primary source by inserting observation or interview report in order to get more detail analysis. In addition, the detail analysis also can be done by shortening research time frame. Too long research time frame has probably brought this study to be less in detail and specific analysis. Through shortening research time frame, the further study hopefully will contribute to be more specific analysis. All in all, this study is expecting to contribute on the development of Islamic law and comparative political studies particularly in Southeast Asia.

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